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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 09 0850 VRW
)	
Plaintiff,)	[PROPOSED] ORDER EXCLUDING
)	TIME UNDER SPEEDY TRIAL ACT
v.)	
)	
PASQUALE IANNETTI,)	
)	
Defendant.)	

The parties appeared before the Court on January 7, 2010 for status appearance on this matter. With the agreement of counsel for both parties, the Court finds and holds as follows:

1. The parties requested, and the Court granted, a setting for motions hearing on March 25, 2010 at 2:00 p.m. The parties have agreed to the following briefing schedule: the defense will file motions on or before February 22, 2010; the government will file responses on or before March 8, 2010; and the defense will file replies on or before March 18, 2010.

2. The parties requested that trial setting in the matter be continued in order to provide the government sufficient time to continue its efforts to obtain relevant evidence from law enforcement authorities in Italy. Government counsel advised the Court of the types of evidence

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1 believed to be in the possession of Italian authorities and the efforts being made to obtain the
 2 evidence. Counsel advised that she has been in contact with the Department of Justice
 3 representative of the Office of International Affairs in Rome, who has advised that upon receipt
 4 of the MLAT request, it could take as long as six months to obtain the evidence. Furthermore,
 5 the issue of possible prosecution of the defendant in Italy on charges related to those in the
 6 instant prosecution remains pending.

7 3. The parties requested that the time from January 7, 2010 through March 25, 2010 be
 8 excluded from the time requirements of the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(7)(A) &
 9 (B)(ii), due to the continuing complexity of the case resulting from the fact that witnesses and
 10 evidence are likely located in Italy, and from the fact that the defendant continues to face
 11 prosecution in Italy. As a result, it is unreasonable to expect adequate preparation for pretrial
 12 proceedings or for the trial itself within the time limits established by the Speedy Trial Act.

13 4. Given the circumstances cited above, including the complexities of the nature of the
 14 charges and the facts that the defendant faces potential criminal prosecution in another country
 15 and that some evidence may be located in another country, the Court finds that the case is so
 16 unusual and complex that it is unreasonable to expect adequate preparation for pretrial
 17 proceedings or for trial itself within the time limits established by the Speedy Trial Act.
 18 Accordingly, the Court finds that the ends of justice served by excluding the period from January
 19 7, 2010 through March 25, 2010 outweigh the best interest of the public and the defendant in a
 20 speedy trial. 18 U.S.C. § 3161(h)(7)(A) & (B)(ii). Accordingly, the period from
 21 January 7, 2010 through March 25, 2010 shall be excluded from Speedy Trial Act calculations
 22 under 18 U.S.C. § 3161(h)(7)(A) & (B)(ii).

23
 24 IT IS SO ORDERED.

25 Dated: 2/2/2010

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 27
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